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Shell Simpson

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6072

7590

08/16/2006

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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/053,174

Applicant(s)

SIMPSON ET AL.

Examiner

Joseph R. Pokrzywa

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/13/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments in Appeal Brief***

1. Applicant's arguments submitted in the Appeal Brief filed 6/5/06, with respect to the rejection(s) of claim(s) 1-8 and 10-28 under 35 U.S.C.102(b) as being anticipated by Gottfreid (U.S. Patent Number 6,076,076) have been fully considered and are persuasive. Therefore, the finality of the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tonkin *et al.* (WIPO Publication WO 01/031465).

### ***Information Disclosure Statement***

2. The reference listed in the Information Disclosure Statement submitted on 4/13/06 has NOT been considered by the examiner (see attached PTO-1449), since a copy of the reference was not provided, and a copy is not available to the examiner. It is noted that the listed reference (WO 00/26810) is related to U.S. Patent Number 6,134,568, which was cited in the Office action dated 6/6/05, and has been considered, but the specific WIPO publication was not considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 1-8, and 10-28** rejected under 35 U.S.C. 102(a) as being anticipated by Tonkin *et al.* (WIPO Publication WO 01/031465).

Regarding **claim 1**, Tonkin discloses a method comprising receiving, via at least one network service (production hub 60), imaging data that is to be included in a booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), receiving, via the at least one network service, user input for incorporating the imaging data into the booklet (page 6, line 27-page 7, line 23, and page 12, line 25-page 14, line 25), building, via the at least one network service, a booklet incorporating imaging data in accordance with the user input (see Figs. 3 and 4, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24), and printing the booklet on a network accessible printer designated by user input (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 2**, Tonkin discloses the method discussed above in claim 1, and further teaches that prior to receiving the imaging data, causing, via at least one network service, a user interface to be presented on a client device, the user interface being configured to enable a user to select imaging data for use in making a booklet, and wherein the receiving imaging data comprises receiving user selection of the imaging data (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23).

Regarding **claim 3**, Tonkin discloses the method discussed above in claim 2, and further teaches that receiving user selection comprises receiving user selection of multiple documents for use in building the booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23).

Regarding **claim 4**, Tonkin discloses the method discussed above in claim 2, and further teaches that the receiving user selection comprises receiving user selection of multiple

documents for use in building the booklet, the multiple documents being retrievable from a user-associated, network accessible personal imaging repository (page 8, line 3-page 10, line 11, and page 25, line 16-page 26, line 3) and further comprising prior to the building, retrieving, via the at least one network service, the multiple documents from the personal imaging repository (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23, and page 25, line 16-page 26, line 3).

Regarding **claim 5**, Tonkin discloses the method discussed above in claim 2, and further teaches that the acts of causing, receiving user selection, and receiving user input are respectively performed by multiple network services (page 6, line 13-page 8, line 2).

Regarding **claim 6**, Tonkin discloses the method discussed above in claim 1, and further teaches that the at least one network service is implemented, at least in part, by at least one printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 7**, Tonkin discloses the method discussed above in claim 1, and further teaches that at least one network service is implemented, at least in part, by at least one proxy server that serves as a proxy for at least one printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 8**, Tonkin discloses the method discussed above in claim 1, and further teaches of saving the booklet, via the at least one network service, in a personal imaging repository associated with the user (page 8, line 3-page 10, line 11, and page 25, line 16-page 26, line 3).

Regarding **claim 10**, Tonkin discloses one or more computer-readable media having stored thereon computer-readable instructions which, when executed by one or more processors

(page 9, line 3-page 10, line 11), cause the processors to send content to a client device for execution by a client browser (page 14, line 15-page 16, line 5), the content enabling the client device to display a user interface that is configured to enable a user to select imaging data for use in building a booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), provide, over a network, a user selection of imaging data for use in building the booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), provide, over the network, user input for incorporating the imaging data into the booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23 and page 12, line 25-page 13, line 24), and provide over the network, user input for designating a network location for printing the booklet (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13).

Regarding *claim 11*, Tonkin discloses the computer-readable media discussed above in claim 10, and further teaches that the instructions further cause the one or more processors to save, via the network, a booklet that has been built based on the user's input (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23, and page 25, line 16-page 26, line 3).

Regarding *claim 12*, Tonkin discloses the computer-readable media discussed above in claim 10, and further teaches that the instructions further cause the one or more processors to print, via the network, the booklet on one or more accessible printers (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23, and page 25, line 16-page 26, line 3).

Regarding *claim 13*, Tonkin discloses the computer-readable media discussed above in claim 10, and further teaches that the instructions further cause the one or more processors to provide the user selection and the user input over a network comprising the Internet (see Figs. 1, 3, 4, and 7-9, and page 6, line 13-page 7, line 23, and page 25, line 16-page 26, line 3).

Regarding **claim 14**, Tonkin discloses a method comprising causing, via at least one Web service (production hub 60), a user interface to be presented on a client device, the user interface being configured to enable a user to select imaging data for use in making a booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), receiving, via at least one Web service, a user selection of imaging data (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), receiving, via the at least one Web service, user input for incorporating the imaging data into the booklet (page 6, line 27-page 7, line 23, and page 12, line 25-page 14, line 25), building, via the at least one Web service, a booklet incorporating imaging data received from the user input (see Figs. 3 and 4, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24), and printing, via the at least one Web service, the booklet on a Web-accessible printer designated by the user (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 15**, Tonkin discloses the method discussed above in claim 14, and further teaches of saving the booklet, via the at least one Web service, in a Web-accessible location (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 16**, Tonkin discloses the method discussed above in claim 14, and further teaches that the at least one Web service is implemented, at least in part, by at least one printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 17**, Tonkin discloses the method discussed above in claim 14, and further teaches that the at least one network service is implemented, at least in part, by at least

one proxy server that serves as a proxy for at least one printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 18**, Tonkin discloses a method comprising receiving, via at least one Web service (production hub 60), a user selection of imaging data that is to be used to build a booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), receiving, via the at least one Web service, user input for incorporating the imaging data into the booklet (page 6, line 27-page 7, line 23, and page 12, line 25-page 14, line 25), receiving, via the at least one Web service, user input for designating a network device for printing the booklet (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13), and building, via the at least one Web service, a booklet incorporating imaging data received from the user input (see Figs. 3 and 4, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24).

Regarding **claim 19**, Tonkin discloses the method discussed above in claim 18, and further teaches of providing the user, via the at least one Web service, options to print the booklet on at least one Web-accessible printer and saving the booklet in a Web-accessible location (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 20**, Tonkin discloses the method discussed above in claim 18, and further teaches that the at least one Web service is implemented, at least in part, by at a Web-accessible printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 21**, Tonkin discloses the method discussed above in claim 18, and further teaches that the at least one Web service is implemented, at least in part, by at least one



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proxy server that serves as a proxy for at least one printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 22**, Tonkin discloses one or more computer-readable media having stored thereon computer readable instructions which, when executed by one or more processors (page 9, line 3-page 10, line 11), cause the processors to receive, via at least one Web service (production hub 60), a user selection of imaging data that is to be used to build a booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), receive, via the at least one Web service, user input for incorporating the imaging data into the booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), receiving, via the at least one Web service, user input for designating a network device for printing the booklet (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13), and build, via the at least one Web service, a booklet incorporating imaging data received from the user input (see Figs. 3 and 4, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24).

Regarding **claim 23**, Tonkin discloses a booklet-making method comprising browsing to a Web-accessible booklet-making service (production hub 60, see Figs. 1-9), specifying to the Web-accessible booklet-making service imaging data that is to be used to make a booklet and how that imaging data is to be used (see Figs. 3-9, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24), constructing, via the Web-accessible booklet-making service, a booklet incorporating the image data (see Figs. 3 and 4, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24), and forwarding, from the Web-accessible booklet-making service, the booklet to a network printer designated by a user (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 24**, Tonkin discloses the method discussed above in claim 23, and further teaches of printing the booklet via the Web-accessible booklet-making service (see Figs. 1-9, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24).

Regarding **claim 25**, Tonkin discloses a web service (production hub 60, see Figs. 1-9) comprising means, operably associated with the Web, for enabling a user to specify one or more Web-accessible documents for use in building a booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), means, operably associated with the Web, for enabling the user to specify one or more pages from the one or more documents and where the one or more pages will reside in the booklet (see Figs. 3-9, and page 6, line 27-page 7, line 23), means, operably associated with the Web, for enabling the user to designate a network printer for printing the booklet (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13), and means, operably associated with the Web, for building the booklet (see Figs. 3 and 4, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24).

Regarding **claim 26**, Tonkin discloses the web service discussed above in claim 25, and further teaches of means for printing the booklet (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding **claim 27**, Tonkin discloses the web service discussed above in claim 25, and further teaches of means for saving the booklet in a personal imaging repository associated with the user (page 8, line 3-page 10, line 11, and page 25, line 16-page 26, line 3).

Regarding **claim 28**, Tonkin discloses the method discussed above in claim 1, and further teaches of prompting a user to choose a network-accessible printer for printing the booklet from

a plurality of available network-accessible printers (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13).

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph R. Pokrzywa  
Primary Examiner  
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